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Official Report of Debates (Hansard)

Wednesday 29 March 2017

Journal des débats (Hansard)

Mercredi 29 mars 2017

Standing Committee on Justice Policy

Supporting Children, Youth
and Families Act, 2017

Comité permanent de la justice

Loi de 2017 sur le soutien
à l'enfance, à la jeunesse
et à la famille

Chair: Shafiq Qaadri
Clerk: Christopher Tyrell

Président : Shafiq Qaadri
Greffier : Christopher Tyrell



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Wednesday 29 March 2017

Mercredi 29 mars 2017

*The committee met at 1302 in committee room 1.*SUPPORTING CHILDREN, YOUTH
AND FAMILIES ACT, 2017LOI DE 2017 SUR LE SOUTIEN
À L'ENFANCE, À LA JEUNESSE
ET À LA FAMILLE

Consideration of the following bill:

Bill 89, An Act to enact the Child, Youth and Family Services Act, 2017, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts / Projet de loi 89, Loi édictant la Loi de 2017 sur les services à l'enfance, à la jeunesse et à la famille, modifiant et abrogeant la Loi sur les services à l'enfance et à la famille et apportant des modifications connexes à d'autres lois.

Le Président (M. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice.

Welcome, colleagues—and to our guests and presenters—to the Standing Committee on Justice Policy. As you know, we're here to review Bill 89, An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts.

We'll be having deputations from members of the public and organizations till 3 p.m. The protocol is five minutes for the initial opening address, to be followed by three/three/three minutes by each party. Of course, as always, the timing will be enforced with military precision.

BOOST CHILD AND YOUTH
ADVOCACY CENTRE

The Chair (Mr. Shafiq Qaadri): I would now invite Lindsay Jolie of Boost Child and Youth Advocacy Centre to please come forward. Lindsay Jolie? Please be seated at the microphone there.

Ms. Audrey Rastin: It's Audrey. There was a change that we sent yesterday.

The Chair (Mr. Shafiq Qaadri): That's fine. Your full name is therefore—

Ms. Audrey Rastin: Audrey Rastin.

The Chair (Mr. Shafiq Qaadri): Audrey Rastin. If you could just maybe get it to us in writing as well.

Audrey, as you've just heard, I invite you to please officially begin now.

Ms. Audrey Rastin: Honourable members of provincial Parliament, thank you for allowing me to speak today. Boost Child and Youth Advocacy Centre is a community response to child abuse investigations in Toronto, Ontario. A partnership between community and government agencies, it brings together all professionals involved in child abuse cases under one roof, for a co-ordinated, interdisciplinary response to child abuse victims in Toronto.

In addition to housing Toronto's only child and youth advocacy centre, Boost CYAC offers a number of direct services, including primary prevention programming for elementary students, public education, professional training, trauma assessment and therapy, and court preparation for child and youth witnesses.

Boost CYAC would like to commend the Ministry of Children and Youth Services for taking action to better protect children and youth in Ontario. We support many of the changes proposed in Bill 89 and are pleased to see this government's commitment to supporting families.

With regard to the age of protection, Boost CYAC supports raising the age of protection from 16 to 18 years of age. This change not only brings Ontario in line with many other provinces but sends an important message that we value our youth's safety and their right to protection.

It is our position, however, that raising the age of protection to 18 but making it optional to report for 16- and 17-year-olds sends a contradictory message about their right to protection and the province's commitment to their safety. If we truly value the safety of youth, why is reporting suspicions of abuse optional? It is broadly recognized that a significant number of people hesitate to report suspicions of abuse. As it is currently written, this law allows people to justify not reporting and, therefore, failing to protect these teens, because it is not mandatory.

We are also concerned that making reporting mandatory for some ages but not for others may confuse people and result in more cases of under-reporting for children under 16. If we are increasing the age of protection, then we should also be providing the legislative devices that assist in that protection, particularly the duty to report.

Regarding child pornography, of concern is the omission of the proposed amendments to the original act related to child pornography, which are summarized in

the Child Pornography Reporting Act, 2008. The definition of child pornography, its inclusion in the criteria for a child in need of protection, the duty to report and the penalties associated with failing to report are of paramount importance to protect Ontario's children and youth. Excluding these very important changes is a step backwards in the protection of children and youth.

With regard to emotional harm, subsection 73(2) and section 122, "Duty to report," provide the interpretation of a child in need of protection and our corresponding duty to report. Other types of abuse—physical harm and sexual abuse, for example—are simplistically stated as conditions where a child is in need of protection. However, when it comes to emotional harm, it is the only type of reportable abuse where a list of symptoms serves as a qualifying pre-condition to reporting and protection.

In addition, the list of symptoms—anxiety, depression, aggression—is limited and can be misleading. This view of emotional harm is not trauma-informed, and does not take into account the many other ways that children and youth can be impacted by emotional harm. Trauma symptoms may not always be clearly observable, particularly when a person is not trained to identify the indicators through a developmental lens. There is a wide array of possible impacts that can manifest at differing developmental stages in a child.

In addition to this unhelpful set of qualifying indicators is the requirement that these demonstrated behaviours be serious. Given that the word "serious" is not defined, it leaves it open to subjective interpretation.

Additionally, a child or youth who does not currently exhibit symptoms may still be impacted by the emotional harm. The presentation of symptoms may be delayed, especially if the child's expression of symptoms may put them at greater risk of further harm by the caregiver. In these situations, children cope with their inescapable and intolerable environments by adapting in very complex ways.

Emotional harm is the only type of abuse that has a severity rating attached to the duty to report. We are recommending that this rating be removed and that all suspicion of emotional abuse be reportable.

Regarding exposure to family violence, there are many jurisdictions in Canada that specify exposure to family violence, domestic violence or severe domestic disharmony as a factor in physical or emotional harm. While exposure to family violence should be reported to a child protection agency in Ontario, it is not specifically identified in Bill 89 as a factor for a child in need of protection, but is rather an interpretation of our duty to report. Unless training—

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Ms. Audrey Rastin: —is provided, most people in Ontario do not realize that family violence should be reported. The Ontario Incidence Study of Reported Child Abuse and Neglect in 2013 reported that 49% of substantiated child maltreatment investigations included exposure to family violence. Boost CYAC recommends including it in the legislation, making it clear that it must

be reported, so that children and families receive assistance when needed.

Thank you for your attention.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Rastin. We'll begin with the questions from the PC side. Ms. Martow: three minutes.

Mrs. Gila Martow: Thank you very much. I just have a couple of questions.

One is that you're stating, basically, that you think that if we mandate it, people will report more often. My question to you is, do you think it would also be helpful, or possibly even more helpful, if we made it easier to report, and what would be your recommendations in terms of how to make it easier for people to report?

Ms. Audrey Rastin: That is a great question. I'm not sure I have an answer to it. Definitely, it would be great if it were easier to report. I think a lot of the barriers to reporting, in my experience—we provide training to professionals who work with children. A lot of the barriers are emotional. People worry, "What if I'm wrong? What if my call makes the situation worse? What if the child doesn't come back to my class or program or agency?" Other than training, which is what we do, I don't know how to alleviate those emotional barriers.

Mrs. Gila Martow: I think that, a lot of times, if people have a way to report, even if it's anonymous or something like that, or through a website, so they don't have to speak to somebody—a lot of times they're worried that, emotionally, they won't be able to handle talking to somebody about the issue. Do you feel that it can't be anonymous and that it has to be a person talking to a person?

Ms. Audrey Rastin: No, and as a matter of fact, you can report anonymously to child protection agencies. When we're working with professionals, we actually advise that they don't, because the child protection agency loses the ability to re-question and they lose any documentation. If there is a criminal case, they lose that witness testimony or documentation. It's not in a child's best interests, so we don't recommend that professionals do it, but certainly in the community, we do remind people that they can absolutely report anonymously.

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Mrs. Gila Martow: That's what I would question to you. If people can report anonymously, and they have no record of it, and then afterwards they are told to provide proof that they reported because they're mandated to report it, well, that seems like a bit of a conflict, don't you think? If they can report anonymously, if it's mandated, would you expect them to have to then take away the anonymity? That would be concerning.

Ms. Audrey Rastin: I don't think so. Right now, you can be charged and fined for failing to report. It's a provincial charge. It doesn't happen very often. That risk is still there, but in my mind, it doesn't seem like a very realistic barrier to reporting.

Mrs. Gila Martow: Okay. Do I have any more time?

The Chair (Mr. Shafiq Qadri): Twenty seconds.

Mrs. Gila Martow: I would just say that we would like your input in defining "serious," and also, it's hard to

interpret “emotional.” It’s a tough call in terms of having a ratings system.

Ms. Audrey Rastin: Yes. All I would say to that is that the other types of abuse are not—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. To Miss Taylor.

Miss Monique Taylor: Thank you, Audrey, for being with us today. It’s a lot of work that goes into this bill. Making sure that we hear from advocacy groups such as yours is so important. I really appreciate the aspect that you brought here today.

I want to read you a line and I want you to tell me if you think it would make a difference in this bill. “Everyone who provides services to children or services that affect children are child advocates. Advocacy may potentially be a child’s lifeline. It must occur from the point of first contact and on a continual/continuous basis thereafter.” What do you think about that line? It says that if you come in contact with a child, then you become a child advocate and you must follow that child from the beginning of the complaint right through to the end and the follow-up. Do you think that would make a difference in what you’re asking for?

Ms. Audrey Rastin: Yes. I love the statement and the ideal behind it. I think it’s difficult to follow it through if I’m a teacher or if I’m a child care provider because I’m not privy to the investigation. So even though I might want to follow it through, as a professional, I don’t always have the insight or the right to—and lots of it is confidential. They don’t necessarily report back to me after I’ve made a report, so it’s difficult to follow through. I can follow up, so I might need to know changes in custody or access or changes in address, or if charges were laid, but the details of the case they won’t provide.

Miss Monique Taylor: What about following up with a child who is still in your classroom and still seeing the same scenes of what you were concerned about in the beginning—marks on a child, those kinds of things? Do you think it should then be a person’s responsibility to ensure that children’s aid has been called to ensure that that child is receiving services?

Ms. Audrey Rastin: Absolutely, and it is, actually, in this law. We are also required to continue to report any additional suspicion. So that is covered in the law now, but I do like the way that that’s stated.

Miss Monique Taylor: We actually have a few minutes. Do you have a definition of “serious”?

Ms. Audrey Rastin: Emotional?

Miss Monique Taylor: Yes, emotional.

Ms. Audrey Rastin: I don’t. As a matter of fact, what I was going to say earlier was that there is no other type of harm that is defined. We are required to report sexual harm; we are required to report physical harm. That harm is not further defined by this act. Physical harm can be defined in the Criminal Code, but this act doesn’t define any other kind of harm except emotional. We would recommend that it be just like all the other three types of

harm, that it be just reportable. Just like neglect can be interpreted in different ways, it’s up to child protection—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

To the government side: Mr. Potts.

Mr. Arthur Potts: Thank you, Ms. Rastin, for being here. I had the pleasure of visiting your place of work a number of weeks ago. I was absolutely overwhelmed with the incredible work you’re doing there in a child-centred model—police officers, psychiatrists, children’s aid workers, all under an umbrella with the care workers that you provide to give that safe place so that you can assist in the recovery process. I was very, very impressed.

A lot of this act has a child-focused centre that we’re trying to bring to all care agencies. Based on the experience of how you interact, is it your sense that this child-centred focus is the right direction to go, that the needs of the child allow the children to speak up to assist them in their treatment recovery and the rectification of the problems that got them there?

Ms. Audrey Rastin: Absolutely. Just like you said, all the services are under one roof. In the old model, kids would be interviewed perhaps at their school. Then, if child protection felt there was a criminal aspect, police would re-interview. If they need a medical exam, they’re taken down to SickKids hospital. They’d be referred to our services. They’re meeting a bunch of different people in different contexts. It can be very overwhelming for children and their families at a time that’s obviously a crisis.

Having everything under one roof—and the important piece of that is our advocate program. We call them the GPS. They kind of guide families through the whole system. We have an open-door policy. They can come back to us anytime, if symptoms arise or if other issues arise. And with regard to criminal, we can keep them updated. There’s a point person to give them information as things progress. As you know, it can take several years in the criminal process.

Mr. Arthur Potts: Yes. You were talking about 16- and 17-year-olds and the voluntary nature of reporting. Moving past 16, the age of consent, I think again, in the child-focused realm, that you anticipate a little bit more maturity at that level and you put more onus on the child, who is almost at that age of adulthood. I think that’s why there’s a distinction here. Obviously, they’re under protection, but they are given more responsibility after 16. Explain maybe why you don’t feel that’s appropriate.

Ms. Audrey Rastin: We support raising the age of child protection to 18 so that child protection services are open to 16- and 17-year-olds. But the difference in this legislation is that reporting is not mandatory for 16- and 17-year-olds. You say that, “Under 16, you must report, and for 16 and 17, you can report.”

Mr. Arthur Potts: But what if the child doesn’t want you to report? The 16- or 17-year-old doesn’t want you to report, and it’s now mandatory and you’re going against the child’s wishes—

Ms. Audrey Rastin: I would respond: What if the 15-year-old doesn't want you to report?

Mr. Arthur Potts: Well, it's mandatory to 15 because of the age of reason at 16. At some point, there has to be that dividing line. It was at 16, and no services. Now it's at 18, no services, with that flexibility. I've been in situations where a 17-year-old didn't want to be reported—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Potts, and thank you to you, Ms. Rastin, for your deputation and written materials, which have been distributed.

FOSTER PARENTS SOCIETY OF ONTARIO

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenters to please come forward: Ms. Brookes, Ms. Milley and Ms. Pratt of the Foster Parents Society of Ontario. Welcome, ladies. I would just invite you to please introduce yourselves individually as you're seated. Please begin now.

Ms. Cecile Brookes: Cecile Brookes, president of the Foster Parents Association of Ontario.

Ms. Elaine Pratt: Elaine Pratt, director of the Foster Parents Association of Ontario.

Ms. Vanessa Milley: Vanessa Milley, executive director of the Foster Parents Association of Ontario.

Ms. Cecile Brookes: The Foster Parents Society of Ontario has been established as the dedicated voice of foster parents for over 40 years. As the provincial foster parent leadership body, we endeavour to maintain a continued focus on the interests, concerns and realities of our members: foster parents. Considering the primary focus for our members is the children in their care, and considering that there are no foster parents without foster children, the children's best interests is continually at the centre of our focus.

We do not believe it is possible to isolate the best interests of the children from the advocacy for foster parents, as they only exist in relationship with each other. Furthermore, if we cease to take care of the caregivers of the children, it will be the children who suffer.

We are pleased to have been invited to make a presentation to the Legislature on behalf of the foster parents in the province regarding Bill 89. We do have some perspectives that we would like considered as the bill is slated to be debated in committee.

Recognition of the right of the identity of the child: We recognize that the new legislation is designed to amplify the voice of the child, refocus on the best interests of the child and uphold the unique facets each child has within themselves. We support the legislation's efforts to ensure that no child suffers discrimination or a lack of equity due to how their lives are overseen by child welfare. However, we are concerned about the risk of the system imposing upon a child or a young person how they are to see themselves and how they are to identify themselves.

We have developed into a culture that historically supported a desegregation of our country's different cultures, different faiths, different countries of origin and

different physical appearances. If child welfare is truly interested in supporting the individual identity of a child, the child needs to lead the discussion about their own faith, culture, origin and how they identify themselves. If child welfare embraces the dividing of the system into children's aid societies that focus on one distinct group of young people, the system would fall into a role of deciphering for a child who they should be or how they should see themselves. We cannot, as adults who are members of a parenting team, dictate to young people the portion of themselves that we feel should be at the forefront of their identity.

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In the best interests of the child: Over many, many years, we have seen the pendulum swing with Bill 210, where a number of children had come into care, and then we see it swing to the other point with differential response, where some children—in one year, I think I recorded about 11 of them where the outcomes were devastating because they were placed in very vulnerable situations. That was due to the subjectivity of differential response and some of the decisions made. But the pendulum has never swung to the middle, where it rests on the child, where social media isn't driving child welfare but child welfare is driving child welfare. So that's one of the biggest things that our members tell us: that they would like to see the focus primarily on the child.

As an example, we have also advocated for many years to raise the age of protection to 18. The problem with the current bill and the policies going into it will be the definition of "in need of protection." A child who is in a human trafficking situation, probably, emotionally and cognitively, can't make that decision to extract herself at that given time, at 16. So there should be the ability for the adults to do it for that person. That would be our biggest thing.

Adoption and adoption breakdowns: Social media, over the last few years, has been very big on adoption—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Cecile Brookes: Okay. The only problem that we found is, with adoption breakdowns and their siblings still in care, these kids are coming back in, the adoption isn't stayed, and they're not reunited with their biological siblings, which we find to be devastating or—actually, I'll use the word "criminal," because it's not really fair to the psyche of that child.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Brookes. Miss Taylor?

Miss Monique Taylor: Thank you very much for participating in this process. I welcome your comments. I'm interested.

Just for clarification, the first part you were talking about is that there should be a duty to report over the age of 16. Is that what I got from that?

Ms. Cecile Brookes: Yes.

Miss Monique Taylor: Okay, good, because I'd be on the same line as you—

Ms. Cecile Brookes: And the ability to apprehend.

Miss Monique Taylor: Right. Currently, within this legislation, my understanding is that youth over the age of 16 would have the ability to say “yea” or “nay.”

Ms. Cecile Brookes: That’s correct, but then to say “yea,” they also have to meet the definition of “in need of protection.” That’s the variable.

Miss Monique Taylor: Okay. So that’s the definition that you want: What does “in need of protection” actually mean?

Ms. Cecile Brookes: Define it in the bill.

Miss Monique Taylor: Right.

You weren’t able to get to several other pieces—

Ms. Cecile Brookes: Yes, I’m sorry.

Miss Monique Taylor: No, no, no; that’s fine. Are there things, very quickly, that you could fill us in on? Hit your top points. You have the time.

Ms. Cecile Brookes: Okay. Foster parent decline over the last 10 years: I think that’s a big one, but I could leave it for people to read. Over the last 10 years, foster parent decline is about 50%, which is substantial.

Miss Monique Taylor: Why is that?

Ms. Cecile Brookes: A lot of it, I would say, is CPIN legislation, liability issues, but also the fact that there’s no recognition for the skill, experience or training level of the foster parent, and it is the only variable pot of an agency. Every time that there’s a financial crunch, that’s the pot you take it from. So for reimbursables, the pot starts like this and it gets smaller and smaller.

Miss Monique Taylor: So families are struggling to keep children in their care—

Ms. Cecile Brookes: With less and less and less.

Miss Monique Taylor: —with less money. Okay.

You said “CPIN.” What does that mean? I know what it is, but how is that affecting—

Ms. Cecile Brookes: Okay. As an example, some people object to—the safe assessment is on CPIN, but so is our medical and financial. The question would arise, if I was fostering in the GTA, why would somebody in Thunder Bay be able to access my medical and financial? That’s ridiculous. We have no protection.

This bill is covering the children, because we raised that argument—I did—in council about PHIPA and FIPPA for the kids in care, for the future. We don’t have that same protection, as foster parents. We don’t even have the right to see what’s written about us, so if there’s incorrect information—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

To the government side: Mr. Colle.

M. Mike Colle: Merci, monsieur le Président.

Le Président (M. Shafiq Qaadri): De rien.

Mr. Mike Colle: I want to state, first of all, that I think we need to say thank you and appreciate all the incredible work that foster parents do in anonymity to take care of these children, and the burden they take on. I’ve known a couple of foster parents who have done it for many years. As you say in your brief, they get very little appreciation, the financial supports—and the liability issues.

Then you look at your figures here: a 50% reduction. That’s shocking. You talk about social media, but media in general never talks about this. Why has there been such a decline? Maybe it’s the result of the lack of appreciation of the incredible work done by foster parents.

Ms. Cecile Brookes: And, I think, the lack of recognition of the skill level, because it’s a choice to be made—

Mr. Mike Colle: Could you speak into the mike, please?

Ms. Cecile Brookes: Oh, sorry. A recognition of the skill level. Foster parents come from all walks of life. We have nurses. I have a psychology degree. Various people have different qualifications. But there’s always a recognition—it seems to be that social media always paints it very negatively, so there’s always that association, right? It doesn’t get that positive picture.

Mr. Mike Colle: Yes. If there’s one thing that we could do as a government, beyond this bill here, to essentially support foster parents and the work that they do, what would you say that we should do?

Ms. Cecile Brookes: An example is funding. We run on the dues from foster parents. A lot of agencies don’t even support their own local foster parents’ association. Those people, some of them, raise money to pay the dues to pay for the provincial body, which is their only voice provincially. So financially, that would assist as well.

Mr. Mike Colle: Pay the dues that—

Ms. Cecile Brookes: Well, we charge dues for operating for the year. It’s very little.

Mr. Mike Colle: But at least to cover that.

Ms. Cecile Brookes: Just to cover that.

Mr. Mike Colle: Okay. Again, please pass on to your members the appreciation that’s really overdue in terms of the incredible contribution you’ve made for years in this province. Please pass that on.

Ms. Cecile Brookes: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle.

To the PCs: Ms. Martow.

Mrs. Gila Martow: Hi. My question is about doctors’ visits, because right now, I believe, the foster parents are obligated to bring a child in care to see a physician and a dentist at least once a year. That’s what it says: at least once a year. OHIP only covers once a year plus a day, basically. Do you have any comments about that? Because I’d like to see that addressed.

Ms. Cecile Brookes: No, that’s for a physical when they come into care.

Mrs. Gila Martow: Okay, right.

Ms. Cecile Brookes: You can take them to the doctor any time after that. It’s covered. For the dental, if you were in the GTA, as an example—my kids go every six months to the dentist.

Mrs. Gila Martow: I think maybe some of the concerns are that kids go for a physical, and then they need to have another physical a year later, and if it’s a new foster home, they might not know exactly to the day when they had it. Is it easy to find out? Is there somebody

helping you with that, so that you don't bring them a day too early and then you have to pay?

Ms. Cecile Brookes: If you use the same physician, they have it on their computer, with the recalls.

Mrs. Gila Martow: I see you're nodding your head, in the middle.

If you're moving from a different region, so you're not using the same physician—I just feel that the member opposite, Mr. Colle, brought up that there's a lot of reluctance to be fostering, to be a foster parent. I just see so many barriers and difficulties and complications that, really, the government could be doing more. This is what I'm asking you: What could the government do to make life easier and be supportive for foster parents in terms of the difficulties to get doctors' appointments and dentists' appointments and things like that?

1330

Ms. Elaine Pratt: The fact that we're at this table. Within the last two years, since the youth in care panel, the Foster Parents Society of Ontario seems to have been finally recognized as a stakeholder that should be sitting at the table with the ministry. Up until that time, we were not able to voice the children's issues. Some 75% of the work we do is for the children. We weren't able to get that through to the ministry. We are now having a seat at many tables, which is very beneficial.

Support for foster parents starts at ground level, with the agencies. As Cecile said, the budget for the foster care department is the only flexible part in the agency, so we're repeatedly seeing cuts and cuts and cuts there, whereas the workers' wages are keeping in line with the cost-of-living increases. Foster care has not; we are significantly behind.

When I started fostering—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow, and thanks, Ms. Brookes, Ms. Milley and Ms. Pratt, for your deputation on behalf of the Foster Parents Society of Ontario.

MS. JANE KOVARIKOVA

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenter to please come forward: Ms. Jane Kovarikova. Welcome.

Ms. Jane Kovarikova: Thank you.

The Chair (Mr. Shafiq Qaadri): Please be seated. You've seen the drill. Please begin now—five minutes.

Ms. Jane Kovarikova: Hello. My name is Jane Kovarikova. I'm a PhD candidate in political science at Western University, but I started off as one of those 60% of Ontario foster youth who drop out of high school.

I now serve on the board of the same local agency that raised me. It's deeply rewarding to be here today, full circle, as a former political staffer who worked hard to get some of the items in the bill on the government's agenda five years ago.

I'm here on my own behalf because I believe every youth in Ontario deserves a bright and successful future. I am pleased that the previous act is being updated after

32 years. We need an act that puts the child in the centre, commits to human rights and is culturally aware. Because the system assumes parental responsibility for its children, it is especially important to get it right, and getting it right means not settling for a child protection system.

For those of you who are proud parents yourselves, do you seek only to provide the children in your home with a safe roof over their heads that may be removed at any moment, and then plan to send them away to never be heard of again after age 16, 18 or 21? What is missing is a child welfare system. We owe that to the youth we formally parent, and we must be accountable.

The present bill often speaks of an inward-looking accountability that ensures ministry rules are followed at the agency level. This is important too. However, what's missing is the system's overall accountability. Put another way, does the system have a positive impact on the youth it serves? The answer is, in Ontario we have no idea. We do not have an evidence-based system because there has never been large-scale research that measures outcomes after aging out. After 21, you're done. There is no mechanism to check in, even for the purpose of improving service delivery.

Last year, I undertook a research study that reviewed academic literature, to understand the impact on youth who are parented by child protection systems. What I found will come as no surprise to some of the people sitting behind me. Your kids, the ones you're legally responsible for, end up with low academic achievement, high unemployment, underemployment, poverty, homelessness, criminal justice system involvement, early pregnancy, poor physical and mental health, and deep loneliness. In Ontario, it is about a thousand youth every year who are subject to these dismal futures. It's easy to suggest that these youth start bad and they end bad, but that's not good enough for me, and the research backs that up too. We parent these youth who age out for an average of a decade, intensively, 24/7, at a time when their brain is the most malleable—under 25—so the system has immense power to affect outcomes for sure.

As a lawmaker tasked with developing an effective system, do any of these youth outcomes or indicators of system efficacy sit well with you? Is anyone here 100% confident that in the bill, when it was drafted, the term "accountability" was fully understood?

As legislation is intended to set the tone, my recommendation would be to consciously review the usage of the terms "child welfare" and "well-being" versus "child protection," and to make a commitment in the preamble to an evidence-based system that measures its impact on the youth it has served.

The data should drive the policy and system reform. That's the only way to ensure that all children have the opportunity to meet their full potential, per the preamble. Relying heavily on advisory boards, groups and committees in this act is not the answer. You do not need more advisers. You need a research team.

I will now briefly address a couple of areas of the act. The personal information update is a welcome improve-

ment to ensure the privacy rights of youth are respected. That said, it's a bit hollow because the ministry-developed case management software, CPIN, lacks a record for when files are accessed and by whom, and an alert system to management for questionable access to files. Effectively, these rights are on a kind of honour system at the agency level, which makes the teeth in part X more like whiskers, and exposes you to a nursing scandal. Outside of privacy rights, there is also a risk of discrimination through differential treatment. I would suggest former foster youth files ought to be sealed and hidden, or at least a notification sent to the last known youth email or address when such files are accessed after leaving care.

Last, bridging the gap in the legislation that left some 16- and 17-year-old youth shut out from the child protection system is an issue that the former office of MPP Rod Jackson worked immensely hard to get on the agenda. After stakeholder consultations, we concluded that it was best to develop a bill that ensured 16- and 17-year-old youth remain the power holders, meaning they could voluntarily access service, and the system would be compelled to provide them.

Instead, the present bill expands the age of protection. This fails to recognize the very different developmental stage of older youth. The most obvious reason why the agency shouldn't impose protection on an unwilling adult is they won't comply with an order, but this shouldn't preclude them from service on their terms. This is a bit of a conflict within the act which sets out to provide child-centred services in the preamble. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kovarikova. To the Liberal side, Mr. Colle.

Mr. Mike Colle: Thank you very much. Jane, you said that you were a foster child yourself?

Ms. Jane Kovarikova: Yes.

Mr. Mike Colle: You're a staffer here. I think I've seen you around.

Ms. Jane Kovarikova: Yes, I remember, actually.

Mr. Mike Colle: I want to commend you for coming back. Obviously, you have this experience and you're trying to make things better for foster children and children all over Ontario. I think all of us here would commend that kind of passion and dedication that you've demonstrated by following through. There are very few staffers who come back. This is quite unusual. You feel so strongly about it. I really want to put that on the record.

We'll certainly take your comments and suggestions, since you've been involved with this legislation from a number of years ago. I think they're very thoughtful improvements that you suggested that I hope staff here and everybody in the ministry really pay some attention to because you come from first-hand knowledge.

The one area that's interesting, if you could explain a bit more, is this whole idea about evidence-based and research-based rather than advisory-based, from all the different stakeholders. Could you just explain what kind

of evidence-based approach framework we would need to put in to this legislation to do that?

Ms. Jane Kovarikova: For me, I feel like the overall idea of accountability is a bit missing, meaning, what is the system's greater impact on any youth or family that is serviced by that system? We, right now, don't measure that at all. I just did a research study for the provincial advocate's office, so I looked everywhere: in the academic literature, in the grey literature. In Ontario, no such study has been undertaken. We don't know what our system does to the youth that it serves.

I understand that once you age out, you're no longer party to the act as a child. It's kind of like a "once you're out, you're out" sort of thing, but if you're not measuring what happens once you're out, then you really don't know how to target the services well.

My suggestion for the evidence-based system would be that we follow or track outcomes, and then use some of the information that we find to inform the policy.

Mr. Mike Colle: Yes, so that we would know, essentially, where the gaps are—

Ms. Jane Kovarikova: That's right.

Mr. Mike Colle: —perhaps where the areas are for remedies, because right now, we're hearing back from people in the field that deal with children's protection on a daily basis, but then there's no empirical analysis done that you would know of—

Ms. Jane Kovarikova: That's right. There has been some empirical analysis done in different jurisdictions: in Canada, the USA, Australia and the UK. They all found that the outcomes were stably difficult.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle. To the PC side, Ms. Martow.

1340

Mrs. Gila Martow: Thank you so much for coming in, Jane. I just want to say that technology can be a wonderful thing. I think that the whole effort to create a database province-wide—and obviously, we all support that use of technology, but what I would ask you is: You mentioned that you have concerns about privacy, if you want to elaborate on that and if you have any ideas on how to better use technology to do that research, to track. Just like we have the census form, perhaps there's a survey that could be emailed to kids once they're out of the system. They get an email survey every year, and if they fill out the survey, they get a Tim Hortons card for \$10 in the mail or email, or something that we can use to induce them to do this for us, to answer the questions and have space, always, for recommendations.

Ms. Jane Kovarikova: Yes. I'll speak to the last point first. There's always a way, definitely, to compel people to participate in research, especially when you make a good case to them for why it's so valuable. If you tell the kid, "This is your opportunity to be heard, and it will be better for anyone who comes after you, based on your feedback," I honestly think that most foster kids would be happy to participate in that, even after the fact.

Also, I would highly encourage trying to partner with an academic institution to do this. Before aging out,

OnLAC partners with the University of Ottawa, but after aging out, there's just a gap. That's the really important information. If the youth we send out don't do so well, then there is a good case to be made for why we should be tracking those outcomes.

In terms of the privacy situation, because CPIN doesn't really have a strong format for maintaining privacy rights—for example, my file could be searched right now; I talked to staff this morning about it, just to confirm—I do consider that a significant problem. I wouldn't be notified that it ever happened, nor would management. Even though there are policies and good hiring practices in place, that is still a vulnerability. I just think that that definitely needs to be handled.

The other reason why I think that is because there's a possibility for discrimination and differential treatment when you can search a former foster kid's record. The reason why I would suggest that is because we see it happen in the criminal justice system, based on the research I did for the advocate's office. There was apparently, according to one study, no evidence that foster kids committed crimes any more frequently or any more severely, but they had more severe punishments. It is a factor that is considered and used to scrutinize when you're investigating or in a very delicate situation. So I would highly suggest that maybe you consider sealing and hiding those searches.

Of course, if I've been reported as an adult, or even reported repeatedly, then that should be searchable. But my foster care history shouldn't be.

Mrs. Gila Martow: Would you recommend that maybe there was a warrant system, where they had to go to somebody higher up to get permission?

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. To Miss Taylor.

Miss Monique Taylor: Hi, Jane. It's very nice to see you again.

Ms. Jane Kovarikova: It's nice to see you as well.

Miss Monique Taylor: Thank you for taking the time, for knowing the importance of this bill and for preparing to come before us today. It's very much appreciated.

I'm interested in when you hit on the form of 16- and 17-year-olds' developmental stage and what that could mean. Also, I'm curious on your thoughts on—well, I guess that in itself is talking about whether a youth should have the ability to say “yea” or “nay.” Is that where you're headed? Could you expand on that for me, please?

Ms. Jane Kovarikova: I just think the youth should be at that point because they are almost adults and also, essentially, they'll be aging out of a system to live as adults. You have your own apartment. You're responsible for bills, cars, taxes. I would suggest treating them more like they're en route to that reality, and therefore they remain the power holders of their own destiny, period.

I know that, obviously, in the cases that I'm talking about, maybe they haven't been in care before so the

situation is maybe not as clear-cut. I still think youth at that age, because they have more cognitive capacities, should be the power holders. It shouldn't be up to the agencies to decide if they need protection.

If the agencies are flagged and realize that youth does need protection, I think that's acceptable. The offer of service should be there, but I don't think that there should be an ordered intervention, mostly also because at that age you won't comply. Then, all of a sudden, you're shut out again.

Miss Monique Taylor: What about the duty to report? We know that a lot of things could happen to a young person. They can be coerced into prostitution and into so many different things that could happen where they may think that they're okay and that they're big enough to handle all of this, when an adult would disagree. What about that position?

Ms. Jane Kovarikova: I have had that conversation a few times. So far, there are a couple of instances where I can see where the agency should be made to have the power over that decision. One is if there is an issue of capability: The youth just isn't capable. Second is in instances such as trafficking.

But then I ask: What are the other examples? And why should you expand such sweeping power over everybody when you can make an exception for those extenuating circumstances?

Miss Monique Taylor: What about supports after the age of 18? My understanding is that anybody who comes in at the age of 16, they're there for ages 16 and 17 and then they're gone. Where we've extended that care after 18, do you think that should be made available to 16- and 17-year-olds?

Ms. Jane Kovarikova: I do think that. I realize that comes with a price tag, but there's also a high business case to be made for—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor. And thanks to you, soon-to-be Dr. Kovarikova, for your deputation.

CHILDREN IN LIMBO TASK FORCE

The Chair (Mr. Shafiq Qaadri): I now invite our next presenters to please come forward, Ms. Aitken and Ms. Ratnam of the Children in Limbo Task Force. Welcome. Please be seated and do introduce yourselves. You may please officially begin now.

Ms. Gail Aitken: Good afternoon. I'm pleased to be here with my colleague Cheyanne Ratnam from the Children in Limbo Task Force. This task force has been in operation for about 30 years and was founded by Dr. Paul Steinhauer. Some of you may remember him. He was a prominent psychiatrist.

We focused, in the brief that we submitted, on the language in the bill, and that's where I'll direct my comments today.

Our team at the Limbo Task Force includes a lot of professionals, advocates for child welfare and also people who have lived experience and have been in care. We

applaud the many improvements that the new act puts forward, including extending the age of care eligibility, and a focus on putting the child at the centre of decisions.

We submitted a brief in 2015 entitled *Modernizing the Language*. Some of you may have seen that. We've put in subsequent recommendations. And you have a sheet that we also put in after seeing what was proposed in the new bill.

We're delighted that some of the negative terms have been removed, but we complain mightily that some are still in the draft legislation. We still hope that some of these can be eliminated. We're deeply concerned because they're very stigmatizing and negative terms. I'll just review a couple of them. Language really reflects the culture and the attitudes of an agency—and of the society.

The recent submission we made deplored the persistence of these stigmatizing and traumatizing terms—such terms as “apprehend” as well as “apprehension.” I'm old enough to remember the serial cops' shows on radio programs when I was about seven or eight, and learning about the words “apprehend” and “apprehension.” We strongly plead that that should no longer be a part of this legislation. Replace it with something like “remove” or “take into care.” It's much gentler.

Another stigmatizing term is “committed” as well as “commitment.” This implies criminal insanity to some. Could we not say “placed” or “placement” instead?

A third very objectionable term is “custody.” Could we not say “into care” or “into provincial guardianship”? I'm sure that any 10-year-old child would tell you that she would prefer to “have a guardian” rather than to be “in custody.”

Another term which really threw me when I adopted the first of my two children was “adoption probation.” I had taught pediatric nursing at the Hospital for Sick Children but I'd never been put on probation before. It was a new experience.

This legislation has tremendous impact and may be in place for a long time.

I'll introduce now my colleague Cheyanne Ratnam, who will address a couple of other issues.

1350

Ms. Cheyanne Ratnam: The terminology currently being utilized is highly problematic and stigmatizes young people and their families. The way in which human beings are labelled and described needs to employ an anti-oppressive and anti-discriminatory lens, and in this case, a child-focused lens.

I have worked and interacted with many young people in care—including myself, also having grown up in care—and the implicit and explicit ramifications of poor terminology and a lack of child focus are evident during and after care. If institutions are to employ AOP frameworks, the policies, acts and guidelines need to reflect this as well.

Terminology should not be criminalizing and should also take into consideration the UNCRC as well as other relevant human-rights-based documents and best practices. Minimizing the risk of trauma and stigma and up-

holding the respect and dignity of our children and youth must be seen throughout the CFSA and other acts which relate to our children in Ontario.

It is a form of punishment and assault on children—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Cheyanne Ratnam: —to utilize problematic and stigmatizing language, and it is negligent not to use child focus. We need to put care back into the care system and this includes removing archaic language that is still being used in the act today. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. To the PC side: Ms. Martow.

Mrs. Gila Martow: Thank you so much for coming in. I've heard from a few organizations and associations and professionals who are reviewing Bill 89. Some of them are going to be speaking to it. They feel that they were very happy when they read the preamble. They felt the preamble was very child-focused. Then, when they read the bill—and that's what this is reminding of me here, and you're nodding your head—the preamble says it's child-focused yet we're hearing it's not a child-focused lens and it's stigmatizing.

I just want to state that a lot of times words are used because it's necessary. We would write a document and then we'd bring it to a lawyer and the lawyer makes all these fancy changes on it because, he said, “This is an arbitrary term; this isn't a legal term; it has to say ‘spouse,’ not ‘husband’ or ‘wife,’” those types of terminologies. I'm wondering if you got a legal opinion for any of these terms that you wanted to change.

Ms. Gail Aitken: We've heard a variety of opinions. We still are adamantly opposed to the use of some of the terms that I mentioned. I know that it does take a lot of co-operation amongst the ministries to decide which terms can be removed. That's one word that has been debated, whether to use the word “remove” a child, but surely it's better than “apprehend.” That is one word that does not go down well. Removing “apprehend” will probably present a few difficulties in some quarters. Nonetheless, as far as we are concerned—and we're really keen on that—the word “apprehend” should not be used in that legislation.

Mrs. Gila Martow: Okay. I think that that's a part to add on, that terminology has to jibe between this piece of legislation and other acts of the government as well.

Ms. Gail Aitken: True.

Mrs. Gila Martow: If something is being changed here, then they have to go make the changes elsewhere, which is very—

Ms. Gail Aitken: It's very complex.

Mrs. Gila Martow: Complex, exactly. I just want to say that I really support the effort that you're making in terms of terminology. I think that words are very important.

I wonder if my colleague has any further questions. I'm sort of monopolizing.

Anything else you want to add while you have a few more seconds?

Ms. Gail Aitken: The language is so important. We've had children talk to us so confused. At least you've taken "crown ward" out. That's coming out. What did that have to do with this child who thought she was perhaps getting a crown or something, not understanding at all? Let's make the legislation read sensibly—accurately, yes, but also understandably.

Mrs. Gila Martow: Yes, because it is 32 years since this has been looked at, and it could be another 32 years. Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thanks, Ms. Martow. Ms. Taylor?

Miss Monique Taylor: Good afternoon, Cheyanne. It's so nice to see you again.

Ms. Cheyanne Ratnam: You too.

Miss Monique Taylor: Welcome back in your new capacity. Congratulations for taking on these roles and for knowing that where you come from can make a difference to what the future holds for our children. I'm absolutely thrilled. I've got goosebumps, Cheyanne. Well done.

Your perspective on this stuff is so important. Congratulations to you, too, for recognizing that need and seeing these words changed. If the words don't change here with us, they're never going to change. If we don't get the ball rolling and make sure that we get rid of words that are hurtful, that are not going to help our system, that are not going to make our child welfare system better, then we're failing. That is a key role, so thank you for bringing those key words.

In one of your recommendations, your third recommendation, is the rights impact assessment by UNICEF and the importance of that, and that being missing within this bill, would you say?

Ms. Gail Aitken: Yes. There are many considerations there that have come within the bill. We want to put the children at the centre of all decision-making. Very young children can indicate by their behaviours, if not in verbiage, what their preferences are. They should be consulted as much as possible, and that has not always been done.

Miss Monique Taylor: I agree with my colleague that the preamble says some nice words, but would you agree or disagree that Katelynn's Principle really should be a companion piece to this legislation—

Ms. Gail Aitken: Right through. Katelynn's Principle should be throughout the legislation.

Miss Monique Taylor: And do you see it reflected enough in the legislation before us?

Ms. Gail Aitken: No. There need to be some improvements to reflect it as it should be reflected.

Ms. Cheyanne Ratnam: At the end of the day, I think the overall task for the people who are going to be amending these pieces through language is that they need to employ an AO practice lens and also a child-focused lens and make sure that they put the human first before their label or identity factors that may affect the way they are seen by society.

Miss Monique Taylor: Thank you. Any further words?

Ms. Gail Aitken: Well, just that you have been in receipt of this document, which was what we wrote after seeing the draft legislation. These are still points that we would like you to note.

It's very important that Katelynn's Principle be implemented throughout, and also, the principles in the Canadian Charter of Rights and Freedoms and the UN Convention on the Rights of the Child.

We're going to have other speakers on some of those topics, but we are very definitely concerned about putting the child at the centre.

Ms. Cheyanne Ratnam: I do want to say that when these amendments are being made to the CFSA, obviously other acts are going to be impacted. I want to make clear—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you so much, Dr. Aitken and Cheyanne, for being here today. It's a great pleasure to read the small bio that I have for each of you, but also to hear your reflections on this bill. I just want to acknowledge you both for your ongoing commitment, and it's a pleasure to meet you both. I also should thank you for your 2015 submission. I know that you've worked very hard on this, both of you.

I'd like to bring you back to the consultation process. I know the ministry engaged with you throughout the process. I'm just wondering if you could tell the committee a little bit about what that was like.

Ms. Gail Aitken: We did try very hard to have engagement over the process, and made several submissions. We did have people from the ministry coming to meet with the Children in Limbo Task Force. One meeting was about 10 days ago. We met with a representative to tell us, now that the legislation has moved after the second reading—we wanted to hear directly from her. We have been pleased with the consultation process. You could say it could be never-ending, and we realize how extensive and complex it is, but from our perspective, it was good—and about time, seeing it was the mid-1980s when we had the last extensive change in the child welfare legislation.

Ms. Sophie Kiwala: You did also express the importance of children being at the centre of decision-making, and this is certainly something that's a very extensive part of this bill.

I'm just wondering—Cheyanne, maybe I could ask you this question, since you've got some experience—what kind of a difference that's going to make in the lives of youth going forward.

Ms. Cheyanne Ratnam: I think that according to the UNCRC, participatory rights are very important. I think that that right being lent into the CFSA would mean that children and youth are being asked about their experiences and asked what their opinions are, what their perspective is. Oftentimes, it's the adults who make the

decisions, yet you have to build the capacity of young people. You cannot build the capacity of young people without informing them of all the information they need to know. That means giving them all the information, making sure they're at meetings that they should be at, and not looking at them according to age but by capacity, because age and capacity are two different things.

1400

Ms. Sophie Kiwala: Thank you.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Dr. Aitken and Ms. Ratnam, for your deputation on behalf of the Children in Limbo Task Force.

ONTARIO ASSOCIATION OF RESIDENCES TREATING YOUTH

The Chair (Mr. Shafiq Qaadri): Now we'll have our next presenter please come forward: Ms. Rebecca Harris from the Ontario Association of Residences Treating Youth. Welcome Ms. Harris, please be seated. Your time officially begins now.

Ms. Rebecca Harris: OARTY is pleased to provide input into Bill 89. We support the government's goal of improving outcomes for children, moving toward a child-centred practice, acknowledging the voice of young people and addressing systemic racism.

During my time, I will focus on our concerns, but this should by no means be taken as a lack of support for the overall act. We were pleased to see the focus on the rights and needs of the child and the move to make services more culturally appropriate.

We believe that the preamble needs to be strengthened by more fully incorporating Bill 57, Katelynn's Principle.

OARTY was pleased to see the increase in the age of protection included. However, we have some concerns with how this was presented. While the act is clear that a 16- or 17-year-old must voluntarily consent to enter into care, it does not make the society's obligation to that child clear. Our fear is that without this clarity there will be circumstances where 16- and 17-year-olds are left in unsafe situations due to financial constraints.

It is our recommendation that the society should be obligated to provide services to 16- and 17-year-olds seeking to enter into care.

While the act states that the "duty to report does not apply to older children," it goes on to say that a person "may make a report" under certain circumstances and conditions. This is unclear and could lead to confusion. We feel that this should be clarified.

The need to ensure the best placement to meet the needs of the child is not adequately addressed in the act. It notes that placement should represent "the least restrictive alternative for the child." We strongly believe that the primary driver of a placement should be meeting the needs of the child. Without this provision, other factors can be seen to be of more importance.

We believe that all children should be placed according to their therapeutic best interest. To achieve this, all children who require out-of-home care should be

assessed using a standardized, evidence-informed tool to inform placement decisions. In the current system, this does not occur. With no triage system, we see multiple placement breakdowns. The focus needs to be on placement stability. Stable placements enable treatment goals to be met, allowing children the opportunity to form relationships and focus on being kids, as opposed to worrying about when the next move will come.

While there were some positive changes in the residential licensing section, including the application of more accountability and transparency, we do have some concerns. This section is facility-focused as opposed to being child-focused. With the revision of the act, we feel there was a missed opportunity to reimagine the residential services sector and write legislation that allowed for innovation.

For true innovation to occur, we believe that the system needs to be child-driven, not facility-driven. The structure, both licensing and funding, needs to follow the child, not the bed. A true child-driven system would focus more on the services provided versus the facilities that these services are provided within. It is our firm belief that all programs should be licensed and subject to oversight to ensure accountability, but that the model needs to change to allow more flexibility.

The act states that "A director may, at any time, change the maximum number of children set out in the licence." We understand the intent of this is to allow for flexibility. However, this clause will be open to interpretation, and a notice period to lower the number should be included.

The new act is silent on issues related to funding. The current system has systemic issues with its funding structure, including the lack of a funding mechanism to address cost-of-living increases and increases to staff wages in the private per diem sector. The act does nothing to ensure that these inequities will be addressed.

Furthermore, there will be a need for increased funding for the sector as a whole in order to address the new provisions in the act.

The act does not ensure a data-driven sector. It states that the minister may collect information and may conduct research. The collection, analysis and reporting of a minimum data set should be mandatory. In order to ensure that the system is adequately performing and prepared to meet future needs, we need to have a base level of data upon which to plan.

Consideration should be given to allow access to that data to researchers and other relevant parties to encourage the development of future best practices. We can only improve on what we can measure.

Thank you. We look forward to continuing to work with government to improve the residential services and child welfare sectors as we move forward on a path of transformational change.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Harris.

To Miss Taylor of the NDP.

Miss Monique Taylor: Hi, Rebecca. It's very nice to see you. Thank you for your submission. Thank you for

the work that you're doing. I'm happy to hear your submissions.

Tell me what leaving Katelynn's Principle out does to the new act. Where does that leave us moving forward?

Ms. Rebecca Harris: We were really pleased with the preamble. We thought there was some great language in there. It was very aspirational, but it didn't go far enough. It didn't mention all of the principles included in Katelynn's act, and we didn't feel it was imbedded in the act throughout. So while the preamble does give us hope, we're not sure that it's actually going to be used in the interpretation of the act, and we feel that Katelynn's Principle should be enacted as a companion piece to the act.

Miss Monique Taylor: Regarding 16- and 17-year-olds, I have serious concerns about there not being a duty to report concerns of abuse or neglect or whatever they may find themselves in. Would you like to expand a little bit more on that?

Ms. Rebecca Harris: Sure. Our main concern is that the act is really unclear. It does say that there is not a duty to report, but then it goes on to say that you "may" report under certain circumstances.

Our fear is that people will be confused and will not know what their duty is. We feel that it should either be that there should be a duty to report or there should not. The way it's stated currently lacks clarity and is only going to lead to confusion.

Miss Monique Taylor: My understanding, also, is that you think that a 16- or 17-year-old should or should not have voluntary consent?

Ms. Rebecca Harris: Yes. One of our suggestions was that there should be a duty to report, but that the 16- or 17-year-old should be consulted and should give their consent for that duty.

Miss Monique Taylor: Right. Your concern was that the ministry had the ability to say whether they wanted to take them or not, right?

Ms. Rebecca Harris: That's correct.

Miss Monique Taylor: Right—whether they were obligated to provide services.

Ms. Rebecca Harris: Whether they were obligated. So if a 16- or 17-year-old is voluntarily seeking to enter into care, the act doesn't state whether the society is obligated to take them into care. Our fear was that there may be circumstances where, due to financial constraints or other reasons, they may not be able to get the care and services they need.

Miss Monique Taylor: And when we hear other presenters who aren't sure whether the 16- or 17-year-old has the choice, I think I find it concerning that if a 16- or 17-year-old is actually agreeing to do this, the society would not be obligated to take on that child, who obviously would be in fear of what was going to be facing them—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for being here today. I'd like to also thank you for your work treating youth. It's extremely important and you're obviously a very key stakeholder to our ministry. I know that you meet regularly with our ministry and I'm sure you're providing feedback on an ongoing basis. I think it's a good reciprocal arrangement and I'm pleased to see that. It's a pleasure to have you here today.

Ms. Rebecca Harris: Thank you.

Ms. Sophie Kiwala: One of the key components of this bill and a very large focus of the bill, obviously, is Katelynn's Principle. The focus around having children be at the centre of decision-making is something that we've talked about a number of times already during the committee.

I'm wondering if you can talk a little bit about how this will change the way that residential treatment centres will provide services in the future.

Ms. Rebecca Harris: I think that in this sector, there's definitely more of a focus on the rights and needs of the child. There's definitely more of a focus on giving children in care a voice. We're seeing a lot more operators opening up their operations to feedback from youth, and having youth in care panels as part of their policy development. We think that anything that we can imbed in the act that gives the voice of the child more focus is only going to improve the sector.

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Ms. Sophie Kiwala: One of your objectives is, of course, to provide support and encouragement and to facilitate the healthy development of children and youth living in residential care. The Ministry of Children and Youth Services established a child and youth residential services reference group, which I know you sit on, so that's great.

How does the focus on improving outcomes in Bill 89 help the ongoing transformation of residential services?

Ms. Rebecca Harris: I think there needs to be a greater focus on improving outcomes, and that needs to start with actually tracking the data on outcomes. Until we start measuring that data and looking for trends in service best practices, we can't know how we're doing.

Right now, there isn't enough data tracked and analyzed across the sector. At OARTY, we've been collecting data from our member agencies for the last 15-plus years—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Kiwala.

To the PC side, Ms. Martow.

Mrs. Gila Martow: Hi. Thanks for coming in. What I wanted to ask you about is, how can we better protect young people from being victims of human trafficking in this legislation? There was a private member's bill from my caucus mate, the Saving the Girl Next Door Act, and there has been a lot of attention and a lot of concern.

Ms. Rebecca Harris: I think allowing 16- and 17-year-olds to enter into care is one positive step in battling human trafficking. I think we're also seeing a lot more education and information-sharing around the risks

associated with human trafficking, especially how they impact on our sector. I'm not sure that that has been imbedded into this bill in its entirety. I'm not sure how we can do that.

Mrs. Gila Martow: Okay. We have had some presenters today who were in care themselves, and I think it's very powerful for all of us when they come and present their concerns. I know that a lot of youth formerly in care and possibly in care now were consulted. I think that we could do a lot more to—I'm not saying to use, but to employ. Those who were in care before could be the ones who could help us to approach the youth who are on the streets or suspected of being victims of abuse or human trafficking.

I hope that we'll have your support, as well, to look at ways that we could possibly convince the youth to use the government resources that are available to help them have a better future.

Ms. Rebecca Harris: Absolutely. We totally agree that the voice of youth who have been through the system and are currently in the system is what we need to be listening to. They know how the services are impacting them and their truths are important for us to hear. Any way that we can help in getting those voices forward and in encouraging them to interact with government—we'd be more than happy to help.

Mrs. Gila Martow: Do you have any recommendations for better use of technology? I think now that with cellphones—we're very slow in the Legislature; we're not allowed to read from any electronics in the Legislature, but we're always carrying them around. They're an appendage, I would say, to the MPPs who aren't in the building and their staff. Maybe we could use technology, not just through CPIN, but further than that, to contact youth to help stay in touch with them or offer them support.

Ms. Rebecca Harris: I think so. There are different applications and online tools—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow. And thanks to you, Ms. Harris, for your deputation on behalf of the Ontario Association of Residences Treating Youth.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Chair (Mr. Shafiq Qaadri): I now invite our next presenters to please come forward: Ms. Ballantyne and Mr. Snowball of the Ontario Association of Children's Aid Societies. Welcome, colleagues. Please be seated. Your time officially begins now.

Ms. Mary Ballantyne: Thank you for having us here today. I'm from the Ontario Association of Children's Aid Societies, which is the voice of Ontario child welfare and represents 43 of the 47 children's aid societies in their communities across Ontario. We're dedicated to providing leadership for the achievement of excellence in the protection of children and the promotion of their well-being within their families and communities.

Children's aid societies are locally governed, not-for-profit agencies with a unique and exclusive mandate to deliver protection services. Societies don't work alone, however. They require assistance from other community services to support children and families, and the court system to assist with making child protection decisions.

Children's aid societies are often the emergency room in their communities, where families cannot access other services. This is especially true in northern, rural, remote and First Nations communities.

The child welfare system is working together to continuously improve services and operations, to achieve outcomes of safety, well-being and permanence for children, youth and families involved with children's aid across the province.

Bill 89 is a bill with many components that we have been advocating for and are very pleased to see come forward. Through the review of the bill, the child welfare system has identified four key themes that reflect the greatest potential for impact of the system. These include child and youth rights, protection, accountability and information sharing.

For each of these themes, I'll talk about our position on it and also some recommendations for revisions to the bill, and implementation considerations. You'll find these expanded in our general submission, which we will be submitting at the beginning of next week.

Child and youth rights: Children's aid societies agree with the preamble's focus on the principles of child rights, child-centred service, prevention, early intervention, strength-based service and maintaining a connection to community.

Children's aid societies recommend that a number of the principles and references in the preamble should also be included in part I of the act, to ensure they are respected and adhered to. These include naming Katelynn's Principle, referencing the UN Convention on the Rights of the Child and the UN Declaration on the Rights of Indigenous Peoples.

In addition to discussing child and youth rights generally, societies recommend specifically naming systemic racism, and the overrepresentation of indigenous and racialized children in child welfare, in the body of Bill 89.

In order to successfully implement these issues around child rights, societies will be required to make significant change in some of their systems as well as their culture, and this will require further training and resources.

Protection: The Ontario Association of Children's Aid Societies and the children's aid societies are pleased to acknowledge the intent to extend the age of protection to ensure that youth aged 16 and 17 receive protection services. Children's aid societies believe that every youth under the age of 18 has the right to be protected.

Bill 89 currently permits 16- and 17-year-olds who voluntarily agree to protection services the right to those services, but societies recommend that all children should be protected if it is deemed necessary. The manner in which this protection could occur could and should, in most cases, be voluntary, but it should be part of their right.

Societies also recommend that the duty to report provisions are consistent for all children under 18, to avoid confusion to the public and professionals. Bill 89 currently provides an option for the public and professionals not to report a protection concern if a child is 16 or 17.

With this change for 16- and 17-year-olds in the act, community supports and services need to be developed to achieve this goal, as many of these youth have co-occurring complex developmental, social and emotional needs and, particularly in the north, indigenous communities and rural agencies will not be equipped to provide this support.

Accountability: The societies recognize the intent of Bill 89 to enhance accountability measures and ministerial powers in the public interest.

The Chair (Mr. Shafiq Qadri): Thirty seconds.

Ms. Mary Ballantyne: We do recommend that greater accountability is important, but that it be done in the best interests of the child and the family.

Information sharing: We also acknowledge the importance of this, but want to make sure that the use and disclosure of personal information that's collected by societies is not at the expense of individuals' consent and personal liabilities.

We do ask that we continue to be involved in the development of the regulations as they move forward for Bill 89—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Ballantyne.

To the government side: Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for being here today. You have a little bit of a fabled reputation in the sector, and I understand that you have served in almost every position possible within your sector. Thank you for your ongoing commitment.

Ms. Mary Ballantyne: Thank you. I've never heard it described as "fabled."

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Ms. Sophie Kiwala: I also want to acknowledge you as well for your commitment to having an ongoing role in terms of contributing to the regulations. I'm sure that that would be something that we would welcome.

Given the very broad scope that children's aid societies have across our province, I'm wondering if you can offer some thoughts on how the sector in general is responding to this bill.

Ms. Mary Ballantyne: Generally, response has been very positive. As I said, many of the issues, most notably the protection for 16- and 17-year-olds, has been something that we have been asking for and advocating for for many years—as well as information-sharing and providing more clarity around that. Also, the pieces on child rights and the connection of children to a community, their cultural needs being met—really moving forward with those is something that the children's aid societies also endorse. In addition, we endorse the need for continued accountability and improvement in those measures.

For the most part, there is good support for this bill. We would definitely hope that it moves through.

Ms. Sophie Kiwala: Okay, thank you. Specifically the 16- and 17-year-old piece is certainly something that I've spoken about with the children's aid society in my community in Kingston and the Islands.

I'm not sure if we'll have enough time, but I did also want to mention that the proposed legislation extends the personal liability protection to CAS board directors when they're acting in good faith. I'm wondering if you can just talk a little bit about that.

Ms. Mary Ballantyne: Yes, thank you for raising that. That is another area that we have been advocating for for quite some time, particularly as accountability responsibilities move up for boards. This is a very welcome addition to the legislation, definitely.

Ms. Sophie Kiwala: Okay, that's great. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Kiwala. To Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in and for all your great work.

I try to imagine the scenarios, and that's why I'm glad that we're having so many presentations. I'm just hoping that—I don't know if it's you or others who are here in the audience, if you can share with us ideas of what goes on. If, for example, there's a 16-and-a-half-year-old girl and it's obvious to somebody that she is being trafficked, and they call the authorities and a social worker comes to speak to her and to convince her to go into care and she refuses, what more can be done? Can't there be something between bringing them into care and just ignoring them and leaving them to their own devices?

I keep saying, "technology." Maybe the gentleman who is with you wants to answer this. Maybe there is technology that we can say, "Here's a login number, here's a password. Download the app. You are now in our system. If you need help, day or night, 24 hours a day, including holidays and weekends, you contact us and we will send somebody to come and get you."

Ms. Mary Ballantyne: That is a good idea. I think certainly one of the pieces that we would hope is that those doors are open. Just because a child or a young person says that they are not interested in care or service at that time, it shouldn't preclude them from having ongoing opportunities for service.

Over 90% of the services provided by children's aid societies for children under the age of 16 happen with children in their own homes and communities, and there is no reason that that couldn't be very similar for children 16 and 17 as well, so that they do have those opportunities to come and get the service as they need it, and it's not that, "If you don't volunteer at that time, you're out," but that that protection is afforded to them.

Even if they don't want to come into care, that shouldn't be the only way. There are methods to assist them, and technology is one. We've actually been piloting a number of different technology ways for workers to communicate with young people. We have outreach for aftercare benefits to young people. Much of that happens

through technology with them. It is definitely the way to be reaching them.

Fortunately, many of the workers are younger than I am, so they're all up on it with the young people as well.

Mrs. Gila Martow: That's why he smiled when I mentioned it before.

Ms. Mary Ballantyne: I knew why you asked him.

Mrs. Gila Martow: You know what? I had a code word. I'm sorry I'm not asking a question; I just have a few seconds. I had a code word with my kids. It was basically—before we had a pet, if they would call me and say, "Don't forget to feed our dog"—and we didn't have a dog—or the neighbour's dog. If they said anything about a dog, I said, "Tell your friends that you're very sorry but you have to leave; your mother's insisting. There's a family emergency," and I would go and get them. It happened once with one of my four kids that we had to use that.

So we could give them a card, "Call this number, use this password"—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martow.

To Miss Taylor of the NDP.

Miss Monique Taylor: Mary and Andrew, very nice to see you both. Thank you for all of the work that you've done on this bill and the work that you've done for years getting us to this point.

I know there's a very serious issue within the entire industry, and I believe that comes under funding and how stretched your societies already are. And now you're going to be asked to do more. Even though you've been pushing for these 16- and 17-year-olds, how are your societies going to support this?

Ms. Mary Ballantyne: There is no question that this bill will not be able to be carried forward to its fullest if there are not some resources attached to it, particularly in the area of 16- and 17-year-olds. I know that some numbers have been used for the purposes of calculation, but none of us really know exactly what the impact is going to be, and we will not be able to pull it from current resources. Our hope—expectation—would be that the resources come with it.

There's also significant training, change-management implications, for some of the areas, particularly as we move more to a child's-rights paradigm, which has great potential but is not something that's going to happen without some real change management and training there. People are keen for it, but it will take some resources to be able to do.

As you know, there are lots of other changes going on as well, so we just need to make sure that the resources are there or else it takes away from the case worker's ability to work with the children and families they serve.

Miss Monique Taylor: CPIN is another part of this that I know is being implemented throughout the societies. My understanding is that societies are having—it's not going as quickly as they would have liked. I believe there was a dollar amount that was attached to the implementation. Are your societies able to meet those

needs and are they finding themselves over budget when it comes to CPIN?

Ms. Mary Ballantyne: There's no question that the change management required and the technology changes etc. for CPIN have been more than I think the government and the societies anticipated. We are in the process of working with the ministry now to determine what some of those costs are that are really getting in the way of agencies being able to move forward. I'm hopeful that with this next process we have in place, we'll be able to determine something that can provide some relief to agencies so that they're not having to take as much away from the front-line work to continue to move CPIN forward. It's an absolutely critical piece. It's a critical tool for the child welfare system, but, like any huge information system, it's going to have its bumps, and we need the help with it.

Miss Monique Taylor: Right. We actually heard from foster parents—

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor, and thanks to you, Ms. Ballantyne and Mr. Snowball, for your deputation on behalf of the Ontario Association of Children's Aid Societies.

WORLD CHANGER SOCIETY

The Chair (Mr. Shafiq Qaadri): Now I'd have our next presenter please come forward. Mr. McDonald of the World Changer Society, please come forward. Please be seated. Just to let you know, five minutes' opening address and three minutes' questions in rotation. Please begin now.

Mr. Carlos McDonald: Good afternoon, ladies and gentlemen. I'm very honoured and proud to be here as a representative of the youth who are from care and transitioning out of care. I'm here to speak on behalf of most of the youth who are transitioning out. I have a specialty when it comes to transitioning.

I'm advocating for the preparation and co-operation of community partners within the GTA to come together to work on the holistic sides of growth and development for youth who are falling through the cracks. That means community services that are unable to reach youth who are at risk and who are facing multiple barriers such as mental health, poverty, homelessness and those kinds of aspects.

We've been doing this for years and I know that we've been advocating for this kind of movement, but Bill 89—CFSA—that has been able to be amended is so vitally important. There are hundreds of voices right now that are coming forward to make those amendments. I'm not going to touch on all of them, but I am going to speak on the portion that I have specialty in, which is mentorship.

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I am a former youth in care who has become a provincial youth advocate leader, recognized by the office of the Provincial Advocate for Children and Youth. I was here six years ago during the hearings here at Queen's Park. We were able to advocate for a lot of

changes. We saw a lot of success, which is completely amazing. Here we are, today, again. We would like to make the necessary amendments that we're aiming to achieve.

Again, my specialty, my stance, will be on mentorship. I've been able to provide some flyers which I have been able to develop with the organization that I'm currently developing and working on. It is based on youth transitioning from government care to independence. The transition between government care and independence can happen between the ages of 16 to 25. However, those skills—soft skills, hard skills—can be crossed over to the idea of implementing it right at the very beginning.

There are two inevitabilities. One is that youth will come into care. It's been happening and it's going to happen again. The second inevitability is that youth will leave foster care. They will become 18 and they will be on their own. So the idea of providing some sort of mentorship and some sort of accountability for youth who transition out should be implemented and considered critically for the lives of all of the youth who are transitioning in care.

This is not just a regional issue. I am working in the region of Peel right now. It is a provincial issue, it is a national issue and it's also an international issue. The office is working with many different countries. I have worked with different countries and organizations that are all dedicated to doing this very cause and still are looking for solutions, looking for answers.

Here we have a chance where former youth in care, youth who have come from the system, can speak up and be heard. We can make amendments that can inspire and shock the world, and show them, and lead on, how we can make a difference for these youth, for future generations to come.

We don't want to wait another five years to have to arrange amendments again. We know what we need and we are here to make the changes needed so that the lives of these youth can flourish, prosper, grow and develop.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. McDonald. We'll now move to the PC side. Ms. Martow.

Mrs. Gila Martow: Thank you very much. I really appreciate all the work that you're doing. I said it before, it's wonderful that people who were in care themselves feel the passion to get involved and try to help others.

What I'd like to know is: What do you suggest we can do for the kids between the ages of 16 and 18 to help them, but not just by forcing them to go into care? We've heard from the youth that not all of them want to come into care and have such strict boundaries put on their lives, but I think that they do want some kind of support.

Mr. Carlos McDonald: Based on my experience, knowledge and research, I've discovered that the government system, by nature, can only help those who want the help and can't help those who don't want it. That's just the nature of the system itself. If we can place some sort of encouragement and some sort of inspiration in place for youth to understand how the system can work for them, I think we'll have a lot more co-operation between the youth and the government.

Mrs. Gila Martow: Do you think that there's any way to maybe offer youth, if people are worried that they're in a tough situation—possibly homeless, possibly being trafficked, abused in some way—if there's a way to have sort of a hotline with a password for them so that if they're calling in front of other people, they don't have to say too much and they can just be told on the other end of the line where they should go or who they should call or text or email? Is there anything that you can suggest from your work?

Mr. Carlos McDonald: Yes. I think there should be a hotline for us, but I think there also should be a hotline for them as well. We shouldn't just leave it up to them to give us a call and let us know if you're doing fine. I think there should be something in place to have the system continually reach out to them, because we are a system of caring individuals. We care for our youth, we care for our population and we care for our communities. But we can't call ourselves carers if we care for them half of their lives and decide that we don't want to care for them after that.

Mrs. Gila Martow: We're even hearing from a girl who is doing her PhD, that she would like to have contact further than that—not to just age out of the system and not hear from anybody else ever again, but at the minimum, to be involved in some kind of survey or input or just to feel that somebody cares.

Mr. Carlos McDonald: Yes, at a minimum—I would say a maximum. I'd say a maximum because their lives matter. I think they all have the potential to be something great. These are youth who have come from the hardest challenges and adversities—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Martow.

Miss Taylor.

Miss Monique Taylor: Thank you, Carlos. It's so nice to see you again. One of my first responsibilities after being elected was the Youth Leaving Care Hearings. Here we are today, years later, with an entire act that's in front of us, and I think the root of it was the hearings and the work that has led on since that time.

Have you been able to spend much time actually focusing on the details of the bill? Or are you just, and I don't mean this in any way—do you think the bill is strong enough? That's what I'm asking you. Do you know what I mean? Do you see places where we should be focusing more attention in the actual bill to a child's rights? Like, the preamble is great. Do you see it reflected in the bill? Are you seeing that kind of stuff? Or have you just been sticking to what you want to look at—which is perfectly fine—the mentorship? I just want to know where you're at.

Mr. Carlos McDonald: There is a summarization that has been done by the Office of the Provincial Advocate for Children and Youth.

Miss Monique Taylor: Okay, so you're with them in where they are on the bill?

Mr. Carlos McDonald: Yes.

Miss Monique Taylor: Okay. On the mentorship portion, then: So 16- and 17-year-olds being brought into

care. They're new into care, so they're not part of the existing—so that whole portion changes for them after they turn 18, and then they're just released. What are your thoughts on that?

Mr. Carlos McDonald: I think that is pretty much the perfect stage where the mentorship should be applied. I want to add to that that it really should be applied since the very beginning since their emancipation is completely relevant to their lives. The age between 16 and 18, that time is probably the most critical when it comes to being equipped with the necessary life skills and employable skills to reach independence.

Miss Monique Taylor: Do you think those youth should be treated the same way as youth who have been in care since they were five?

Mr. Carlos McDonald: Absolutely.

Miss Monique Taylor: Right. I agree with you, Carlos.

I'm curious as to whether you think that youth should have the ability to opt out of being brought into care at the age of 16, if they so choose, and should the children's aid have an obligation to take those youth?

Mr. Carlos McDonald: I think it goes towards the idea of making an educated decision. I think those decisions should involve information, not just at the present time, but also the ideas in the future. A child who knows where they've been has a better chance of knowing where they're going.

The Chair (Mr. Shafiq Qaadri): Thank you, Miss Taylor.

To the government side: Ms. Vernile.

Ms. Daiene Vernile: Good afternoon, Mr. McDonald. Thank you very much for coming before this committee and for sharing your insights. I want to add my voice to that of my colleagues in saying to you that it's absolutely critical that we do hear from people such as yourself who have lived experiences in this issue.

Carlos, you mentioned that there are amendments that are very important to you. Do you want to elaborate on that? Which amendments are of particular interest?

Mr. Carlos McDonald: Right now, currently, I'm focusing on a particular language that we speak. I am a member of a task force committee that looks into the bill, and right now there is language that we use that is, I would probably say, sort of—I want to say inappropriate and I want to say condescending, even patronizing to a degree, like “apprehension” and all those things.

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Ms. Daiene Vernile: We had another person speaking before you who made the exact same points, that this is dated language and it needs to change.

Mr. Carlos McDonald: Right. May I add that language is not just the only thing that is concerning me. There are many other things that are concerning me. As I said, I've been spending so much time doing this mentorship thing—sorry. Continue.

Ms. Daiene Vernile: Extending the age to 18 for care?

Mr. Carlos McDonald: Yes, I totally, totally believe that we should do that because we know that 18 is not the age of full development for a young adult. We know that youth reach their full maturation cycle at the age of 25. Nowadays, the age of 18 is really too soon. I think we should raise the aging-out to 25. I really believe that we should continue to provide services to help them reach their full independence beyond the teen years, at least.

Ms. Daiene Vernile: I want to thank you for the work that you are doing. You have a very authentic voice. Thanks very much.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Mr. McDonald, for your deputation on behalf of World Changer Society.

ADOPTION COUNCIL OF ONTARIO

The Chair (Mr. Shafiq Qaadri): I now invite our final presenter of the afternoon, Ms. Convery, of the Adoption Council of Ontario, and your colleague. Please be seated. As you've seen, please do introduce yourselves. I'd invite you respectfully to please begin now.

Ms. Pat Convery: Thank you very much. I'm Pat Convery, the executive director of the Adoption Council of Ontario. With me today is Kathy Soden, who is the manager of our permanency and adoption competency training program, and an adoptive parent.

The ACO is a charitable organization established for 30 years to provide information, education and support for those in Ontario who are touched by adoption and permanency issues in their lives. Thank you again for reviewing our submission and your interest in further discussion.

On any given day, there are more than 15,000 children and youth in the care of the children's aid society, and about 6,000 of these children are in permanent government care, or crown wards. These children are our collective responsibility, and this act will guide our care of them.

As you know, Bill 89 seeks to bring historic change. Bill 89 seeks to put children at the centre of decision-making; support more accountable, responsible and accessible children and youth services; and strengthen oversight for children's aid societies and licensed residential services. All of this change is needed and welcomed.

Generally, Bill 89 provides a reasonable framework to raise the bar of accountability of services to children and youth and their families, but this legislation falls short in recognizing what we now know about the impact of trauma on children. There can no longer be any question about the scientific evidence that early childhood adversity has real, long-term effects on all aspects of a child's development and well-being and, in particular, the long-term mental health outcomes.

We also know very clearly about the challenges children and youth experience as they move through and age out of foster care to living independently without the support of a lifetime family: homelessness, unemployment, involvement in the justice system and a signifi-

cantly higher risk that their children are coming into the foster care system—and the cycle continues to this day.

The impact of this on our children must be addressed head-on in this act to ensure that our system is set up to provide what is necessary so our province's most vulnerable children and youth can have the best chance possible to thrive and heal.

In our submission, which you have a copy of, the Adoption Council of Ontario highlights three areas that we believe are critically important to review and enhance before passing this legislation.

Our recommendations are based on ACO's direct experience over many years with families and children who have lived through our province's system of care and are continuing to live with the long-term effects and impact on their lives.

These are three specific areas where we believe stronger wording and a higher level of accountability can be embedded into the framework of Bill 89, to address these concerns:

(1) recognition of our current knowledge of the impact of trauma on the population of children and youth who are served by CYFSA;

(2) recognition of the need for all children to leave foster care with timely permanence of a stable family connection when return to birth parents is not a viable or safe option. This must be an ongoing responsibility, and include recognition of the need to maintain connections to siblings, safe birth family members and culture;

(3) a recognized need to raise the bar higher on oversight and accountability of services provided to children, youth and families at every juncture, and particularly when a child is in our permanent care—a crown ward. This is not the time to reduce services or oversight, as our current system allows.

I urge you to take the time for careful review of the details of the act and consider how the actions we suggest can be embedded into Bill 89 to ensure that it is most effective and that our children and youth have the services and support they need to reach their full potential when trauma and adversity, through no fault of their own, brings them under the scope of this act, including: the recognition and need for an assessment and treatment of trauma; full attention to their need for competent, professional care; and timely permanency with a safe and stable family.

The Acting Chair (Ms. Sophie Kiwala): Thirty seconds left.

Ms. Pat Convery: The well-being of these children should be a high priority for all of us. A wise statement once said it is better to raise strong children than to repair broken men. We often hear that our system is broken, and Bill 89 seeks to fix it. I challenge you to work hard in this committee to make sure that we get it right.

Dr. Paul Steinhauer, a psychiatrist that we've talked about, once said that society is wiser to invest in children's mental health sooner, while they are young—

The Acting Chair (Ms. Sophie Kiwala): Thank you.

Ms. Pat Convery: Sorry.

The Acting Chair (Ms. Sophie Kiwala): NDP MPP Taylor.

Miss Monique Taylor: Thank you so much for your submission. Thank you for the work that you do. Please send our thanks to the parents who are taking on adoptive roles.

Do we have a wait-list of families waiting to adopt children?

Ms. Pat Convery: That's a complicated question. We have families who are waiting to adopt. We have more children who are needing to be adopted or certainly need the permanency of lifetime-committed families. Then we have families waiting. What we are missing is the match between.

It's really about focus. Again, as our legislation says, let's put the child at the centre. We need to focus on the needs of the children. We need to find, support and prepare the right families for the children who are waiting.

Miss Monique Taylor: Do you think this legislation will do that?

Ms. Pat Convery: Much of that work needs to happen in training, in education and in systemic changes that could be driven by a higher responsibility of this act, by setting the bar higher on our need and the accountability to find families for these children. We're going to do it if we absolutely have to. That's where, again, as an example, the wording of "best efforts to find a permanent family" is not enough. We need to keep on going until we find the right family.

Miss Monique Taylor: So the framework to ensure that children and families are connected is not here within this bill?

Ms. Pat Convery: Not currently. I think we're still using the same wording from 1984, and I don't think that in 1984 we realized how important it was. But we know now. All the work that we've done in the last 30 years has told us a lot about the negative outcomes. We've heard a lot about it today, that having children aging out of care without a family is not going to bring the outcomes that these children need and they deserve.

Additionally, we know so much more about the impact of the experiences on the children that we need to set the bar higher to meet their needs, their mental health needs, and the impact of our care system, but also the impact of these experiences that they've had.

Miss Monique Taylor: Do you come in contact with families who you know are on wait-lists for mental health services? My understanding is we have 12,000 children on wait-lists for mental health services. It makes me wonder how many of your children are on those lists.

Ms. Pat Convery: That is twofold. Certainly, children who have been adopted are on those wait-lists. We also have the 17,000 children at any given time in foster care who aren't even on those wait-lists because, again, they're in care. There's a lot of services provided but not enough to recognize. We need to get in there early. We need to be doing mental health assessments. We need to recognize the trauma. Our entire system needs to work with birth families right from the first call to a children's aid society, with our foster families—

The Acting Chair (Ms. Sophie Kiwala): Thank you very much.

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Miss Monique Taylor: Thank you.

The Acting Chair (Ms. Sophie Kiwala): To the government side, MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Thank you very much for coming, and thank you for your very helpful submission here. I understand that what you would like to see added in the bill, if I understand correctly, is some further language to ensure that there is permanency of a family connection, that there's an additional duty being spelled out a little bit more clearly in the act for CASs and so on. Is that the gist of your—

Ms. Pat Convery: Yes. We want there to be a higher bar set. Reasonable effort is not high enough from my perspective and certainly from my experience of many years in this field. It needs to be ongoing; it's not a "you do it today and it didn't work out, so what the heck." It really needs to be ongoing. We need to be looking at children, regardless of their age, in our system, that they leave with permanency. That's not just adoption. When I say "adoption," I'm talking about kinship families; I'm talking about revisiting connections with birth families and really making sure that children stay in our foster care system as short a time as possible.

M^{me} Nathalie Des Rosiers: And one of the things that the bill does is provide authority to establish an entity or entities to deliver adoption services in Ontario. What's your position towards that?

Ms. Pat Convery: So we would certainly support that some of the challenges—and certainly speaking to Miss Taylor's point about families who are waiting, those families are our best resource. We need families to consider adopting these children, and if we could centralize some of our services and really focus on how we can prepare, support and help them to connect with the children who are right for them, we're going to see better outcomes and we're going to be able to meet that goal.

M^{me} Nathalie Des Rosiers: Okay. Thank you.

The Acting Chair (Ms. Sophie Kiwala): Thank you. MPP Martow.

Mrs. Gila Martow: Thank you very much for your presentation. Somebody spoke previously about failed adoptions and a lack of going back to those family connections prior to the adoption—siblings and things like that. Oftentimes I have a feeling it's even half-siblings or step-siblings and things like that. I just wanted you to talk to the importance of having those connections. People always think about families as just the parents and the child, but sometimes those sibling connections are so important.

Ms. Pat Convery: I think sibling connections are absolutely a critical part as we're moving forward to place older children for adoption, and many, many of the children we're placing today would not even have been considered adoptable even a few years ago. We absolutely know that these children are going to have better outcomes if we can get them in a lifetime-committed

family. However, they shouldn't be losing those important connections. Sibling connections are absolutely critical. There are sometimes birth family members who are not able to adopt them, but absolutely have a commitment—and certainly cultural, when we look at our First Nations communities, the losses; we shouldn't be compounding the losses.

When you mentioned disruptions of adoption, one of the challenges is that the adoptive families we have in this province are committed to doing what's best for the children, to help them heal, but they're doing it without supports and without resources—so being part of a centralized system, that would allow more focus on the ongoing needs of those families. As we heard earlier from foster parents about the resources and the challenges they face, we need to look at the model we've built—and I think we do have a good foster care system in this province—we need to look at how we can provide those services ongoing for these children and their new families. Kinship families, sometimes birth families and often adoptive families are parenting in isolation without the professional supports that they're going to need.

Mrs. Gila Martow: I'll just end by asking you, are there any ways that you could suggest speeding up—because I think that every day a child is adoptable, there's a potential adoptive family and they're not being adopted—that process that people complain is too slow in Ontario?

Ms. Pat Convery: Again, setting the bar high on the ongoing need to reduce the time that children are in foster care, to look at permanency right from the beginning when children are coming into care. Our cases are spending too long—I know we know that 50% to 75% of our crown wards are over the age of 14, but how many years have some of those 14-year-olds been in foster care, and we find out that many of them have been in foster care as permanent wards for many, many years. That's where we really need to do what we know, and we have models in place; we have good assessment tools, and we know the families are out there. We have AdoptOntario, which is a program of the Adoption Council of Ontario. The CPIN, as it moves up—we're better able to make those connections. We have to maximize those resources in a focused way.

Mrs. Gila Martow: Okay, thank you.

The Acting Chair (Ms. Sophie Kiwala): Thank you. This meeting is adjourned until—

Mr. Mike Colle: Point of order.

The Acting Chair (Ms. Sophie Kiwala): Yes?

Mr. Mike Colle: We'd like you to ask legislative research to give us some information on the declining level of foster parenting in Ontario over the last couple of decades, and do a comparison with what's happening in other Canadian jurisdictions and maybe a couple of jurisdictions south of the border.

The Acting Chair (Ms. Sophie Kiwala): Okay. I'm going to ask if the committee agrees.

Interjections.

The Acting Chair (Ms. Sophie Kiwala): A jurisdictional scan of the level of fostering across the province.

Miss Monique Taylor: I'm sorry, Chair. I can't hear you.

The Acting Chair (Ms. Sophie Kiwala): A jurisdictional scan of fostering in the province and across the board.

Mrs. Gila Martow: Can we have another point of order?

The Acting Chair (Ms. Sophie Kiwala): Yes.

Mrs. Gila Martow: If the committee could request that the minister present to the committee?

The Acting Chair (Ms. Sophie Kiwala): Okay, we're going to have to ask the committee to agree on that.

Interjections.

The Acting Chair (Ms. Sophie Kiwala): We're not done yet.

Mr. Arthur Potts: Is there a vote happening? I thought you adjourned us.

The Acting Chair (Ms. Sophie Kiwala): No, we had some points of order.

Mr. Arthur Potts: Oh, okay.

The Acting Chair (Ms. Sophie Kiwala): We're going to ask—Gila?

Mrs. Gila Martow: That the minister present to the committee.

Mr. Mike Colle: That's usually done by the subcommittee in their deliberations.

The Acting Chair (Ms. Sophie Kiwala): We can decide to do that, if we want, or it can be done in the subcommittee as well.

Interjections.

The Acting Chair (Ms. Sophie Kiwala): Okay, we're going to move on this motion—

Interjections.

The Acting Chair (Ms. Sophie Kiwala): Sorry, can we just have some quiet in the room, please?

Mr. Mike Colle: Please have some respect.

The Acting Chair (Ms. Sophie Kiwala): Ms. Martow has moved that we invite the minister to appear at committee. Is it the will of the committee?

Mr. Arthur Potts: Can we speak to the motion, then, first?

The Acting Chair (Ms. Sophie Kiwala): We're tabling a motion.

Mr. Arthur Potts: So if we can speak to it, I would encourage that, as the process normally is—let's meet with the subcommittee. I'm happy to meet first thing tomorrow morning and have that conversation at subcommittee. We can meet after question period, if that's acceptable.

Mr. Jim McDonell: It's a simple question. Either the committee agrees or not. It's still got to come back anyway.

Mrs. Gila Martow: Because then we have to bring it to committee. It seems a little silly.

Mr. Mike Colle: There's no agreement. You guys should go to the subcommittee. That's what it usually is.

The Acting Chair (Ms. Sophie Kiwala): The motion is on the floor, and it has been moved, so we have to vote—

Miss Monique Taylor: Can I speak to it?

The Acting Chair (Ms. Sophie Kiwala): Yes.

Miss Monique Taylor: Thanks, Chair. I think it's important that the minister have the opportunity to come before us to say what he needs to say. You wanted things to move quickly because you're under timelines. The quicker we can make the decision, the quicker we can move forward. By pushing things off until after question period tomorrow—we're probably already booked for tomorrow morning anyway.

I think things move through in committee just the same as they do in subcommittee. My understanding is—because I asked the question of where this needed to be asked, and I was told that it could happen here. By saying that the process is subcommittee—yes, of course, we have subcommittee, but the process can also happen here at committee.

We would encourage the minister—and I'm sure that he would want to be able to come before us. We would hope that we could move forward today and have an answer.

The Acting Chair (Ms. Sophie Kiwala): Okay, it's 3 o'clock. We have to adjourn the meeting.

Interjections.

The Acting Chair (Ms. Sophie Kiwala): It's 3 o'clock, so we will adjourn until tomorrow at 8:30.

The committee adjourned at 1500.



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